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June 22, 2018

Via ECF

The Honorable Nancy Joseph
United States Courthouse, Room 249
517 East Wisconsin Avenue
Milwaukee, Wisconsin 53202

Re: United States v. Marcus Hutchins
Case No. 17-CR-124

Dear Judge Joseph:

Per the Court's order, on June 20, 2018, the government filed a status report on behalf of the parties regarding a proposed briefing schedule for motions related to the First Superseding Indictment. (Dkt. No. 89.) The parties accidentally did not include a discussion of defendant Marcus Hutchins' pending renewed motion to compel filed on May 4, 2018. (Dkt. No. 73.)

The defense position is that the renewed motion to compel needs to be updated in light of factual assertions about "Randy" being included in Count One of the first superseding indictment (and identified as "Individual B"), which are new and material and which make disclosure of additional discovery related to "Randy"/"Individual B" more necessary than ever. Counsel for the government confirmed today that does not intend to provide any additional discovery regarding "Randy" as a result of the first superseding indictment. The defense requests the Court hold off on ruling on the pending renewed motion until the defense has time to file an updated motion by the parties' proposed deadline of July 13, 2018.

Counsel for the government has informed the defense that it still opposes the renewed motion to compel and it opposes any modification of that motion. The government's position is that the allegations in the first superseding indictment related to Individual B

were contained in the discovery in the possession of the defense at the time it filed the motion to compel and renewed motion to compel.

Sincerely,

A handwritten signature in black ink, appearing to read "B. E. Klein".

Brian E. Klein
Baker Marquart LLP
-and-
Marcia Hofmann
Zeitgeist Law PC
-and-
Daniel W. Stiller
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Attorneys for Marcus Hutchins